



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

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Reply to
Attn of: SP-03-22

Subject: School Programs Policy Guidance - Questions and Answers

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas,
(Child Nutrition Programs) Missouri ED, Montana OPI,
Nebraska, North Dakota,
South Dakota, Utah and Wyoming

This memorandum has, as an attachment, policy guidance on a number of issues that have arisen recently through questions posed to us by State agencies in the Region. Our last such memorandum was issued as SP 02-17 on April 26, 2002.

Please call our office if you have any questions.

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs

Attachment

**NATIONAL SCHOOL LUNCH PROGRAM, SCHOOL BREAKFAST PROGRAM
AND SPECIAL MILK PROGRAM
QUESTIONS AND ANSWERS**

August 2003

Free and Reduced Price Eligibility

1. Q. A school has an older child who left her home and lived as an “emancipated child” for a period of time. Now the child is in the home of some relatives and does not claim separate household status. Is she still to be considered “emancipated”?

 A. No. A child may move from an “emancipated” arrangement to one in which he or she is part of a household, and the child’s eligibility would then be determined on the basis of the “new” or current household composition and income.
2. Q. A household has two children who are only in the household on weekends, and on school vacations. The household wants to have these children counted as members of the households, not for benefits for these children, but because by counting them as household members, the household can qualify for free meals for the other children who live there. Is this OK?

 A. No. The two children who are there only on weekends and school holidays are not in the household on regular school days, so they should not be counted among household members.
3. Q. At the first of the school year a household was mailed its notice for applying for school meals. The notice came back because the household had moved, but when the school located the household by telephone, the mother told the school not to remail the notice and application because although the household had been eligible for free benefits the prior year, she did not expect that the household would be eligible in the new year. The question is, should the children remain as eligible for free meals during the 30-day period at the first of the year when children’s eligibility from the previous year can be carried over?

 A. No. The 30-day grace period at the beginning of the school year during which a child’s eligibility from the previous year may be carried over, is solely for the purpose of permitting the household to have enough time to submit a new application for the new school year. If the household clearly indicates its intent not to apply, it should be immediately classified on the basis of the current information about its eligibility. The household may always apply at any point subsequently in the school year.

4. Q. Many households are refinancing their homes, and withdrawing equity in form of cash. Is this income?
- A. No, it will normally be in the form of a lump-sum payment, and, as such, would not be counted as income. However, if smaller amounts are drawn from the lump sum amount regularly by the household, the monthly amount drawn would meet the definition of income.
5. Q. We know that food service management companies (FSMC) are not to determine free and reduced price eligibility, do verification, etc. However, may a FSMC employee perform data entry tasks, such as enter data from applications into a computer system that calculates eligibility, or enter free and reduced price eligibility categories into an automated meal counting system?
- A. Yes, such essentially “clerical” tasks may be performed by FSMC personnel. However, as with all such tasks, care should be taken by the SFA to assure that the work is performed accurately, and that the rules of confidentiality of the information are clearly stated, and maintained.
6. Q. A household that was determined to be homeless by the school’s homeless liaison has left the school district prior to the start of school. However, one child who was a member of that household has remained in the district, and is living in another household. Is that child still to be considered “homeless”, based on the homeless liaison’s earlier determination, or should the child’s “new” household submit a regular application on the child’s behalf (or the child herself submit one, as an “emancipated child”)?
- A. The determination of the child as “homeless”, and therefore eligible on that basis for free meal benefits, continues until the child has moved out of the district, or the homeless liaison terminates the designation of “homeless” for the child. Although changes in a “homeless” child’s circumstances, such as entering a new household, are not subject to our own review such as through “verification” procedures, it would probably be prudent to notify the homeless liaison about the changes in the child’s circumstances.

Access to Program Meals

7. Q. An adult is participating with his or her child in the Even Start Program. The Program is conducted in a school, and the child receives meals in the NSLP. May the adult receive meals too?
- A. Maybe, but maybe not. The only time meals served to adults are eligible for reimbursement in the NSLP are when the adults are (1) enrolled in a GED program that meets in the school during the school day, or (2)

enrolled in a school of high school grade or under (see definition of “school” in 7 CFR 210.2). However, the fact that an adult may be in the Even Start Literacy Program and/or taking remedial or other classes has no bearing on whether the adult is eligible for participation in the NSLP.

8. Q. Each spring public schools have an orientation day for small children who will be entering kindergarten for the first time in the fall. The children are attending what is considered by the SA to be a curricular activity. The children are served lunch free of charge, but the schools want to know if they can claim meals in the free or reduced price category for those children whose siblings attending school are already approved to receive those benefits. May they?

A. Yes, those who are in the household of existing free and reduced price eligibles may be claimed in those categories, if the application was approved based on household income. If the other child or children in the household are foster children, or if the other children were approved based on participation in the Food Stamp program, the eligibility of those children would not extend automatically to the pre-kindergarten child. Those children without applications may be claimed in the “paid” category.

9. Q. If a NSLP school operates a class, or classes, of “preprimary” children in the school, what is the youngest these children can be, and still participate in the NSLP?

A. There is no lower age limit for children in such “preprimary” classes—the classes may be for, or include, the youngest infants. Meals claimed for reimbursement must, of course, meet the meal pattern requirements and policy guidance.

Meal Service Issues

10. Q. As a promotion of milk, children are offered the regular lunch, but with a 16-ounce serving of milk, and with an additional charge of 20 cents. The additional 20 cents is charged to all children who select this “more milk” lunch, whether they are in the free, reduced price, or full-pay category. Is that OK?

A. No. This is an example of a practice that might be called “super-sizing”, where a reimbursable lunch is offered that has “more” of something, and any child who selects it is asked to pay more for it. The larger serving is integral to the reimbursable meal, and cannot be treated as if it were an a la carte option, so although the school can charge full-pay children a higher

price for the larger meal, it must still offer it free to free-eligible children, and at the reduced price to children eligible for reduced-price meals.

11. Q. An elementary school operates its Program meal service under the enhanced food based meal planning option, and with no offer-versus-serve. From time to time the reimbursable meal includes dessert as one of the components, and the only grain-bread component. A mother says she absolutely does not want the child to ever be served a dessert. If the school follows the parent's wishes and omits the dessert, is the meal still reimbursable?
- A. When the only grain/bread component in a given meal is in the dessert, and, in response to a parent's wishes, the dessert is not served, the meal is not reimbursable, and cannot be claimed. The meal should also not be served free or at a reduced price, if the child is eligible for such benefits, because the meal has become an a la carte meal. However, we would hope that some kind of simple adjustment, such as offering an additional grain/bread item with the meal, or permitting limited offer-versus-serve, could be made to keep the child's meal a reimbursable one.

Confidentiality/Disclosure of Free and Reduced Price Information

12. Q. A SFA on the NSLP does have one school that is not on the Program. The SFA, to obtain documentation of the economic status of the students in each of its schools for State funding requirements, wants to distribute free and reduced price applications in the school that is not on the NSLP. Is this permissible?
- A. No, the application form itself states that it is an application for free and reduced price meal benefits under the NSLP, and such benefits are, in fact, not being offered in this situation. The SFA may devise and use a form that is similar to a free and reduced price application for gathering socio-economic information from households about students in a non-NSLP school, but the form must make no reference to NSLP eligibility.
13. Q. A child's parent has appeared in court as part of some kind legal action. The parent has claimed to the court that she and her children are eligible for free meals, apparently in an effort to qualify for free legal service of some sort. Someone from the court has called the school to confirm that the household is receiving free benefits; what should the school do?
- A. While there are no prohibitions in NSLP regulations against releasing the names of persons who are not eligible for free and reduced price benefits, the school may wish to follow procedures that would help protect it against adverse action by any parties. In this case it might be best to require the

parent to sign a waiver permitting release of the information, or tell the court that it can only release the information under a subpoena. The school may wish to consult with its attorney before proceeding in this situation.